

Senate Bill 361

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires certain statement by local government to accompany application for operating permit for surface mining. Specifies content of statement.

A BILL FOR AN ACT

1
2 Relating to applications for operating permits for surface mining; creating new provisions; and
3 amending ORS 517.790.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 517.790 is amended to read:

6 517.790. (1) A landowner or operator may not allow or engage in surface mining on land not
7 surface mined on July 1, 1972, without holding a valid operating permit from the State Department
8 of Geology and Mineral Industries for the surface mining operation. A separate permit is required
9 for each separate surface mining operation. A person seeking an operating permit from the depart-
10 ment shall submit an application on a form provided by the department that contains the following
11 information:

12 (a) The name and address of the landowner and the operator and the names and addresses of
13 any persons designated by them as their agents for the service of process.

14 (b) The materials for which the operation is to be conducted.

15 (c) The type of surface mining to be employed in the operation.

16 (d) The proposed date for the initiation of the operation.

17 (e) The size and legal description of the lands that will be affected by the operation, and, if more
18 than 10 acres of land will be affected by the operation and if the department determines that the
19 conditions warrant it, a map of the lands to be surface mined that includes the boundaries of the
20 affected lands, topographic details of the lands, the location and names of all streams, roads, rail-
21 roads, utility facilities, wells, irrigation ditches, ponds, stockpiles, buffers, setbacks and excavation
22 boundaries within or adjacent to the lands, the location of all proposed access roads to be protected
23 or constructed in conducting the operation and the names and addresses of the owners of all surface
24 and mineral interests of the lands included within the surface mining area.

25 (f) If practicable, a plan for visual screening by vegetation or otherwise that will be established
26 and maintained on the lands within the operation for the purpose of screening the operation from
27 the view of persons using adjacent public highways, public parks and residential areas.

28 (g) The type of monitoring well abandonment procedures.

29 (h) A proposed reclamation plan that is acceptable to and approved by the department.

30 (i) Any other information that the department considers pertinent in its review of the applica-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 tion.

2 (2) In addition to the information specified in subsection (1) of this section, a person
3 seeking an operating permit from the department shall submit with the application a state-
4 ment described in section 2 of this 2015 Act that is prepared by a planning official of the local
5 government with land use jurisdiction over the proposed site.

6 [(2)] (3) The department may waive the requirement for preparation and approval of a reclama-
7 tion plan if:

8 (a) The operation is conducted as part of the on-site construction of a building, public works
9 project or other physical improvement of the subject property;

10 (b) The operation is reasonably necessary for such construction; and

11 (c) The proposed improvements are authorized by the local jurisdiction with land use authority.

12 [(3)] (4) The department may not issue an operating permit to an operator other than the owner
13 or owners of the surface and mineral interests of the lands included within the surface mining area
14 unless the operator:

15 (a) Has written approval from the owner or owners of all surface and mineral interests of the
16 lands included within the surface mining area; and

17 (b) Maintains a legal interest in the lands that is sufficient to ensure that the operator has the
18 authority to operate and reclaim the lands as provided in the operating permit and reclamation plan.

19 [(4)] (5) The department may refuse to issue an operating permit to a person who has not, in the
20 determination of the department, substantially complied with the conditions of an operating permit
21 or reclamation plan, the provisions of this chapter or the rules adopted by the department to carry
22 out the purposes of this chapter.

23 **SECTION 2. The statement required in ORS 517.790 (2) must be in substantially the fol-**
24 **lowing form:**

25 _____
26
27 **LOCAL GOVERNMENT STATEMENT**

28 **The site is currently [] active [] inactive [] unknown under an existing operating permit.**
29 **[] This project is consistent with the acknowledged comprehensive plan and land use regu-**
30 **lations.**

31 **[] This project will be consistent with the acknowledged comprehensive plan and land use**
32 **regulations if the following local approvals are obtained:**

33 **[] Conditional Use Approval**

34 **[] Development Permit**

35 **[] Other _____**

36 **[] Pursuant to ORS 517.830 (3)(a), the local jurisdiction requests that the application not**
37 **be decided until the local jurisdiction has taken final action.**

38 **[] This project is not consistent with the acknowledged comprehensive plan and land use**
39 **regulations for the following reasons:**

40 **[] Comprehensive Plan Designation**

41 **[] Zoning classification**

42 **[] Other _____**

43 **[] Pursuant to ORS 517.830 (3)(b), the local jurisdiction requests that the application not**
44 **be decided until the local jurisdiction has taken final action on an amendment to the com-**
45 **prehensive plan.**

1 **An application [] has [] has not been filed for local approvals checked above.**

2 _____

3 **Name of Local Planning Official**
4 **(Print)**

5 _____

6 **Signature**

7 _____

8 **Title**

9 _____

10 **City/County**

11 _____

12 **Date**

13

14 **Comments:**

15 _____

16

17 **SECTION 3. Section 2 of this 2015 Act and the amendments to ORS 517.790 by section 1**
18 **of this 2015 Act apply to operating permits first applied for under ORS 517.790, or renewed,**
19 **on or after the effective date of this 2015 Act.**

20
